

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.839 OF 2013
with
CIVIL APPLICATION NO.269 OF 2012

Al Aziz Palace Coop Hsg Soc Ltd Appellant

vs

Mirza Mukhtar Ahmed Baig & ors .. Respondents

Mr.Vasin Siddiquie I.b Mr.Kunal Bhanage for Appellant

Ms.M.R.Bhoir for BMC

Mr.Ashish Mundad J.E. (B & F) B Ward present

CORAM: G.S.KULKARNI, J

DATE: 15 DECEMBER 2016

P.C.

1. Learned counsel for the Municipal Corporation states that the unauthorized structure which was subject matter of the Judgment and decree passed by the trial Court has already been removed. It is stated that a B.E.S.T. cabin is in existence. However, as it concerns supply of electricity, learned counsel for the respondent-plaintiff also agrees that he has no grievance in that regard. Both learned counsel for the appellant and the respondent-plaintiff are ad-idem that the unauthorized construction being subject matter of the dispute is satisfactorily removed by the Municipal Corporation and the orders passed by the trial Court stands complied.

In view of this, parties agree that this Appeal can be disposed of in view of these subsequent developments.

2. By consent, Appeal is accordingly disposed of. Civil Application No.269 of 2012 would also not survive and is disposed of. No costs.

3. Learned counsel for the appellant fairly submits that the debris which remains on site after demolition of the unauthorized structure would be removed within a period of one week from today by the appellant. Statement is accepted.

{G.S.KULKARNI, J}

